



The Comptroller General  
of the United States

Washington, D.C. 20548

C. U. Kelly - 87

## Decision

Matter of: Anderson Power Products

File: B-227502

Date: September 10, 1987

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### DIGEST

Protest challenging contracting agency's decision not to require that products offered under request for proposals (RFP) for electric plug connectors be on qualified products list is untimely where filed after due date for initial proposals since protest involves alleged impropriety apparent on the face of the RFP which must be filed before initial due date.

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### DECISION

Anderson Power Products protests any award under request for proposals (RFP) No. DLA900-87-R-1731, issued by the Defense Logistics Agency (DLA) for electric plug connectors. We dismiss the protest.

The RFP, issued on March 16, 1987, called for offers for various step ladder quantities of electric plug connectors. According to DLA, in prior procurements for the connectors, offerors were required to furnish products approved for inclusion on the applicable qualified products list (QPL); Anderson has been the only qualified source for the item for a number of years. The current RFP for the first time allowed offerors to propose products not included on the QPL, subject to first article testing and approval requirements.

The due date for initial proposals was April 15. Of the four offerors who submitted proposals, only Anderson offered a product included on the QPL. Although award has not been made pending resolution of the protest, the prospective awardee is Connector Technology Corporation, the lowest priced offeror for the required quantity, whose product is not included on the QPL. Anderson challenges DLA's decision to waive the QPL requirement under the RFP, arguing that the waiver is unfair to Anderson, the only firm which has incurred the cost of having its product qualified and maintaining its QPL status.

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Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1987), protests involving alleged improprieties apparent on the face of an RFP must be filed before the due date for initial proposals. Here, as the agency points out, it was clear from the RFP that DLA was not limiting offers to products included on the QPL and would instead allow offerors with non-QPL products to demonstrate that they meet the applicable specification through first article testing procedures. The record shows that Anderson was aware that the RFP did not include a QPL requirement since, in late May, after the RFP was issued and proposals were submitted but before any award decision had been announced, Anderson requested a meeting with the contracting officials to discuss the decision to waive the QPL requirement. Since the decision to permit award to offerors offering non-QPL products was apparent from the face of the RFP, Anderson was required to file its protest challenging that decision before the due date for initial proposals, April 15. Since the protest was not filed until June 17, it is untimely. Western Filter Corp., B-203259, May 22, 1981, 81-1 CPD ¶ 407.

Even if the protest were timely, we generally will not consider allegations such as Anderson's that solicitation requirements should be made more restrictive, since our function in reviewing bid protests is to ensure that the statutory requirements for full and open competition are met, not to protect any interest a protester may have in a more restrictive solicitation. C.R. Daniels, Inc., B-221313, Apr. 22, 1986, 86-1 CPD ¶ 390.

The protest is dismissed.

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